

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
GETRONICSWANG CO., LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04-12382(RCL)
	)	
HYNIX SEMICONDUCTOR, INC.,	)	
SAMSUNG ELECTRONICS CO.,	)	
LTD.	)	
	)	
Defendants	)	
_____	)	

**PLAINTIFF'S ASSENTED TO MOTION TO EXTEND DEADLINE TO FILE  
NOTICE OF APPEAL PURSUANT TO FED. R. CIV. P. 58 (C) (2)**

Plaintiff, GetronicsWang Co., LLC ("Getronics"), through its attorneys, Sheehan Phinney Bass + Green, P.A., moves, pursuant to Fed. R. Civ. P. 58 (c) (2), for this Court to extend the deadline to file a notice of appeal. Defendants assent to the relief requested herein.

1. On May 30, 2006, this Court granted Defendants' motions for summary judgment and denied Plaintiff's motion for summary judgment.
2. On May 31, 2006, this Court also entered judgment in this matter, thereby beginning the period in which a notice of appeal must be filed with the First Circuit Court of Appeals.
3. On June 14, 2006, Defendants filed a motion for attorneys' fees and costs pursuant to Fed. R. Civ. P. 54.

4. Federal R. Civ. P. 58 (c) (2) permits this Court to order that Defendants' motion for attorneys' fees and costs have the same effect under Fed. R. App. P. 4 (a) (4) as a timely motion under Fed. R. Civ. P. 59. Federal R. App. P. (4) (a) (4) in turn provides that the time to file a notice of appeal runs from the entry of the District Court's order disposing of timely filed motions for attorneys' fees "if the district court extends the time to appeal under Rule 58." See, e.g., Bennett v. City of Holyoke, 362 F.3d 1 (1<sup>st</sup> Cir. 2004).

5. Plaintiff requests that the deadline to file a notice of appeal be extended until thirty (30) days after this Court rules on Defendants' motion for attorneys' fees and costs. Extending the deadline to file a notice of appeal will maximize efficiency in that any issues arising out of the Court's ruling on the motion for attorneys' fees can be included in a single notice of appeal. Moreover, extending the deadline for a notice of appeal will ensure that all matters before this Court are concluded before an appeal is filed.

6. Extending the deadline will not prejudice any parties because the Court's May 30-31, 2006 orders do not require any affirmative conduct by one party; the only obligations potentially arising out of this Court's rulings would be the payment of attorneys' fees and costs to Defendants.

7. Counsel for Defendants has been contacted and he assents to the relief requested herein.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court extend the deadline for any party to file a notice of appeal until thirty (30) days after the Court's order on Defendants' motion for attorneys' fees and costs is entered.

Respectfully submitted,

GETRONICSWANG CO., LLC

By its attorneys,

SHEEHAN PHINNEY BASS +  
GREEN, PA

Date: June 27, 2006

/s/ Michael C. Harvell  
Michael C. Harvell (Pro Hac Vice)  
One Boston Place, 38<sup>th</sup> Floor  
Boston, MA 02108  
(617) 897-5600

Date: June 27, 2006

/s/ Maria Recalde  
Maria Recalde, (BBO# 552831)  
One Boston Place, 38<sup>th</sup> Floor  
Boston, MA 02108  
(617) 897-5600

**CERTIFICATE OF SERVICE**

I, Maria E. Recalde, hereby certify that the foregoing assented-to motion to extend deadline to file a notice of appeal was served on Robert P. Sherman, Esq. and Bruce S. Barnett, Esq., DLA Piper Rudnick Gray Cary LLP, One International Place, Boston, Massachusetts 02110, robert.sherman@dlapiper.com and bruce.barnett@dlapiper.com through Electronic Case Filing, this 27<sup>th</sup> day of June, 2006.

/s/ Maria E. Recalde  
Maria E. Recalde